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Patent  
255/013

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re Application of:

GRACA RAPOSO et al.

Serial No.: 09/582,340

Filed: November 23, 1999

For: COMPOSITIONS AND METHODS  
USING LACTADHERIN OR VARIANTS  
THEREOF

Group Art Unit: 1644

Examiner: Gerald R. EWOLDT

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TECHNOLOGY CENTER 1700STATEMENT UNDER 37 C.F.R. § 1.821(f)BOX SEQUENCE  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Enclosed in response to the "Communication from the Examiner in Charge of this application," mailed by the Patent & Trademark Office on 07/01/2002, is a replacement paper copy and computer readable form copy of the sequence listing for the subject application.

IN THE SPECIFICATION:

Please replace the current sequence listing with the new sequence listing enclosed herewith.

OC-114916.1

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that I have a reasonable basis to expect that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as "Express Mail - Post Office To Addressee" in an envelope addressed to Commissioner for Patents, Washington, DC 20231.

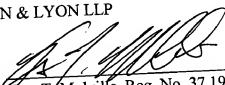
Express Mail Label No.: EV 051624107 US  
Date of Deposit: July 31, 2002  
Lynne Fulmer

I hereby state that the content of the paper and computer readable form copies of the Sequence Listing, submitted in accordance with 37 C.F.R. §§1.821(e), (f) and (g), or §§1.825(d) and (b), respectively, are the same, and that the attached sequence listing and computer readable form copy contain no new matter.

Respectfully submitted,

LYON & LYON LLP

By:

  
Kurt T. Mulville, Reg. No. 37,194

Dated: July 31, 2002



22249

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07/582,346

|               |            |                       |                     |
|---------------|------------|-----------------------|---------------------|
| SERIAL NUMBER | FILED DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|               |            |                       |                     |



|          |              |
|----------|--------------|
| EXAMINER |              |
| ART UNIT | PAPER NUMBER |
|          | 12           |

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Please find below a communication from the **EXAMINER** in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132. Specifically, the specification discloses SEQ ID NOS:3 and 4 as being mouse. The Sequence Listing improperly discloses that SEQ ID NOS:3 and 4 are "mammalian". Also note that the specification repeatedly discloses that SEQ ID NOS:1 and 3 comprise amino acid sequences. Said SEQ ID NOS:, however, comprise nucleic acid sequences.

APPLICANT IS GIVEN **30 days** FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. **In no case may an applicant extend the period for response beyond the six month statutory period.** Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication should be directed to Dr. Gerald Ewoldt whose telephone number is (703) 308-9805. If the examiner cannot be reached, inquiries can be directed to Supervisory Patent Examiner Christina Chan whose telephone number is (703) 308-3973.

*G. Ewoldt*  
G.R. Ewoldt, Ph.D.  
Patent Examiner  
Tech Center 1600  
June 6, 2002

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# **NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

## **Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216  
 For CRF Submission Help, call (703) 308-4212  
 Patent Software Program Support  
 Technical Assistance.....703-287-0200  
 To Purchase Patent Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

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